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BY ECF

Hon. Sarah L. Cave

United States Magistrate Judge

Daniel Patrick Moynihan Courthouse

500 Pearl Street, Room 1670

New York, NY 10007

Defendants' request (ECF No. 41) to adjourn the initial conference scheduled for April 19, 2022 is GRANTED. The conference is ADJOURNED *sine die* and will be rescheduled, if necessary, after the Court issues its Report and Recommendation on Defendants' motion to dismiss.

The Clerk of Court is respectfully directed to cancel the April 19, 2022 initial conference, and to close ECF No. 41.

SO ORDERED 3/10/2022


SARAH L. CAVE
United States Magistrate Judge

Re: *Fahey et al. v. Breakthrough Films & Television, Inc., et al.*
21 Civ. 3208 (PAE)(SLC)

Dear Judge Cave:

We represent corporate defendants Breakthrough Films & Television, Inc. and Breakthrough Entertainment (collectively the “Breakthrough Defendants”) as well as Ira Levy and Lauren Leinburd (collectively, the “Individual Defendants”) in the above-captioned litigation. As the Court is aware, a motion to dismiss all of the claims against all of the Defendants (the “Pending Motion”) (Dkt. 31) has been fully briefed and has been referred to Your Honor for disposition (Dkt. 40).

We are writing to inform the Court that the Breakthrough Defendants, which are located in Canada, have initiated and are the subject of the equivalent of a bankruptcy proceeding in that country. Our understanding is that such proceeding has the effect of automatically staying all proceedings against the Breakthrough Defendants in Canada, though there would not be an automatic stay of the proceedings before this Court.

Given that the Pending Motion may resolve all of the proceedings in this case, we respectfully request that the Court proceed to decide the Pending Motion. We further request that the scheduling conference scheduled for April 19 be adjourned *sine die* to be rescheduled if necessary after the disposition of the Pending Motion. At that point, some or all of the defendants may seek further relief, including possibly seeking a stay of further proceedings pending resolution of the proceedings in Canada.

Respectfully Submitted,

/s/ Edward Rosenthal

Edward Rosenthal

cc: Sean P. Fahey (by ECF)
Dieterich Gray (by ECF)